

EXHIBIT A

21-2-01793-31
CMP 3
Complaint
10135850



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COUNTY CLERK
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

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WARREN E. BELL,
Plaintiff,

VS.

DAVID OLSON, AND AUTUM
KOSTELECKY, SUED IN THEIR
INDIVIDUAL AND OFFICIAL
CAPACITIES; AND SNOHOMISH
COUNTY RISK MANAGEMENT
SUED IN THEIR OFFICIAL
CAPACITIES.

Defendants.

CASE NO. _____
PLAINTIFF'S VERIFIED 42 U.S.C. SEC.
1983 COMPLAINT,* AND A CHALLENGE
TO SNOHOMISH COUNTY TORT CLAIM
DECISION, RCW 4.96, AND AN OFFICIAL
MISCONDUCT COMPLAINT RCW 9A.08
.010,* SNOHOMISH COUNTY
(TRIABLE BY A JURY)

I. PRELIMINARY STATEMENT : (FALSELY ARRESTED) .

1.1 On January 20, 2020, I was Arrested for Suspicion of : DRIVING WHILE/
LICENSE SUSPENDED (REVOKED); DRIVING W/O IGNITION INTERLOCK
AND OPERATING A MOTOR VEHICLE W/O INSURANCE.

1.2 I was transported to the Snohomish County City of Everett Jail
And *Booked in to jail.* by officer Mr. David Olson (Badge No. 1065).
My freedom, (Liberty), was taken unlawfully from me for a crime
Alleged to have been committed based on facts submitted from the

Department of Licensing (DOL). The (DOL) had information showing That I had a suspended driver's License, But also showing that I had A Valid "Temporary Restricted Driver's License, To any one who Needed to know. Also I had a valid ignition interlock with valid Insurance. Therefore, the arrest by Mr. Olson was unlawful which Further resulted in a chain of physical harm to me and events Where I also incurred financial hardship by having to retrieve my Vehicle from the City Impound, which cost me an amount to pay That I could not afford, So I had to borrow the amount to retrieve My vehicle, (Truck). Leaving me in debt.

MEDICAL

- 1.3 On 01/20/2020, following the arrest and during a Medical Check, I was complaining of Chest Pains, Nausea, Headache, and difficulty In breathing The jail booking staff referred me to the Jail's Medical Staff, Ms. Autumn Kostelecky, (Nurse). I disclosed to her That I was on Various Prescribed Medications due to Elevated "Hypertension." My vital signs were extremely high (critical level) There was Multiple Warning that I was Seriously ill and in need Of immediate Medical Care.
- 1.4 The Snohomish County Jail's Medical Observation Service Staff And Nurse Ms. Kostelecky who is responsible to monitor inmates Health ignored my serious medical condition and needs.
- 1.5 This Nurse Intentionally refrained from performing her duties, Imposed upon her by law. (deliberate negligence). I suffered Severe pain, while and during an unlawful arrest. (Deliberate Indifference) and a Violation of Official Misconduct RCW 9A.08. 010 by both Mr. Olson and Ms. Kostelecky Snohomish County Employee's, both while under the color of law, and performing Their duties outside of their Authority of Law. I should not have Been arrested in the first place. (False Arrest).

II. JURISDICTION/VENUE

- 2.1 This Court has Jurisdiction, and Venue is Proper in this Superior Court, This incident occurred in the County of Snohomish and in the City of Everett, RCW 36.01.050 .
- 2.2 This Court also has Concurrent Jurisdiction with the United States Federal District Courts of Washington State to hear any 42 U.S.C. Sec. 1983 Civil Rights Complaints. 28. U.S.C. sec 1343.
- 2.3 The claims for Civil Right Violations State Law Violations and Claims Challenging the Snohomish County Tort Claim. Decision. RCW 4.96.et.Seq..

III. PARTIES

- 3.1 Plaintiff, Mr. WARREN E. BELL, is at all time in this Civil Action, resides At: 8810 John Dower rd. S.W. #14 Lakewood, WA 98499, Phone No. 253-478 0000.
- 3.2 Defendant, Mr. David Olson is a Snohomish County Officer (Badge No 1065), at 3000 Rockefeller Ave. MS 508, Everett, WA 98201-4046. He is Being Sued in his Individual and Official Capacities at all time mentioned Here in.
- 3.3 Defendant, Ms. Autumn Kostelecky, is a nurse for the Snohomish County Jail, at : 3025 Oakes Avenue Everett, WA 98201, is being Sued in her Official and Individual Capacities at all times Mentioned herein.
- 3.4 Defendant, Snohomish County Jail, is Sued in it's Official Capacities at all times herein:
- 3.5 Defendant, Snohomish County Risk Management at : 3000 Rockefeller Ave, M/S 610, Everett, WA 98201-4046, is Sued in it's Official Capacities.

IV. STATEMENT OF THE TRUE FACTS :

Chronological Order of Events:

4.1 Arresting Officer Mr. David Olson, On January 20, 2020, I was unlawfully arrested by Mr. David Olson, a Washington State Police Officer, who stopped me in my Vehicle, (Truck) for "Equipment Failure", (Tail-Lights) in the City of Everett. He initiated a check of (DOL), and found my Driver's License were Suspended, However I had a Valid "Operator Restricted License (ORL). I also had Valid Car Insurance at the time, and a Valid Ignition Interlock. I showed these valid Documents to Mr. Olson, he ignored me and my Documentations, I was Unwilling to be Detained or Arrested, because I was showing him my Valid Papers, and I had no Warrants for my Arrest.

4.2 I suffered harm and loss of Liberty as a result of falsely being Arrested by Officer Olson and Nurse Kostelecky, Snohomish, County Official's and Medical Personnel, in their Individual and Official Capacities.
(U.S. Federal Constitution 4th Amendment).

4.3 These act's also Constitute Violation's of my Washington State Constitution's Article I. Sec 3 (Liberty) Without Due Process of Law, and Article I, Sec 14 (Nor Cruel Punishment Inflicted), and Violation's of the United States Federal Constitution's Fifth Amendment, (Nor be deprived Of Liberty, or Property, without Due Process of Law), and U.S. Federal Constitution Fourteenth Amendment (Nor Shall any State Deprive any person Of : Liberty, or Property, Without Due Process of Law).

V. MEDICAL EMERGENCY

MEDICAL STAFF NURSE AUTUMN KOSTELECKY ,AND SNOHOMISH COUNTY MEDICAL

5.1 On January 20, 2020, following the arrest and after a Medical Check By Nurse Autumn Kostelecky, I was experiencing Nausea, Severe Headache, Chest pain, and difficulty breathing due to Elevated High Blood Pressure (176 /113), My vital signs were extremely high at a critical level. I was Diagnosed incorrectly as (lightly Stressed), When if correctly diagnosed It would have read (Critically Stressed out). Nurse Kostelecky looked at My records " Patient History" and ignored most of what I was saying, Along with a sundry list of associated Medical Conditions. (Deliberately Indifferent).

5.2 There were Multiple Warning Signs, that I was gravely ill. I was Medically Fragile, Vulnerable and completely under Snohomish County Jail Medical Staff. I suffered through a culture of indifference from the Correctional and Medical Personnel. I suffered through out the night, While at the Snohomish County Jail.

5.3 Due to the false arrest where No Probable Cause existed, I suffered A near death, Heart-Attack, or a Severe and Painful Stroke, my Life was in Peril.

5.4 Nurse Kostelecky did not identify me as an inmate whose life "could be at risk." Ms. Kostelecky " Ignored" my deteriorating condition Failed to consult with more experienced Medical Staff regarding my Worsening Condition. See: 18.130.400.

5.5 Her actions are a violation of my Civil Rights, for being denied Basic Prescribed Medicine. I had a lack of energy, difficulty in making Decisions, Intense Mental Activity, High Degree of Pain. My life was In Peril, I had a near Hearth-Attack or Stroke.

5.6 Nurse Autumn Kostecky, her willful neglect to perform her duty Was a gross act, She Medically cleared me of “ No Observed Medical Problems” after noting that I was showing signs of Stress, Chest Pain, High Blood Pressure, Migraine, Seizures ”ect..,

5.7 Ms. Kostecky, committed a willful neglect to perform a duty upon her imposed by law. SEE RCW 42.20.100. ~

5.8 Mr. Olson, had no reasonable grounds to arrest, Probable Cause was Clearly lacking for the Arrest. Officer Olson acted with reckless disregard Of Plaintiff’s rights and is therefore liable for damages under 42 U.S.C. Sec.1983. **SEE: WA. Const. Article I, Sec. 7 (Private Affairs) U.S Const. Amendment 4 (Seizure).**

5.9 Mr. Olson, presented false information to the Prosecutor’s Office, and knowingly withheld related and relevant information from the prosecutors Which would have shown that the (DOL) also had issued a Valid Temporary Restricted Driver’s License. Mr. Bell, also had an up to date Ignition Interlock, and valid Insurance to drive, documents of being legitimate not In the wrong or in anyway against the laws of Washington. Municipal Liability, (Deceptive) (Judicial- Deception).

5.10 The County of Snohomish had failed to properly train Officer Olson, Mr. Olson, assumed he could arrest Plaintiff, and Intentionally Ignore and Disregard all factor’s mentioned (Innocence) at the time (other documents) Therefore this is a Municipal Policy, Practice, and Custom or Widespread Municipal Custom that caused the false arrest and unlawful imprisonment. Clearly Snohomish County is liable.

VI. SNOHOMISH COUNTY TORT CLAIM DECISION

6.1 Washington State, (Specifically- Snohomish County) Provides a post Deprivation remedy to resolve claims filed for damages by it's agent's And agencies. Per RCW 4.96. et.Seq.

6.2 Plaintiff was denied a remedy for the claim's against Snohomish County. Plaintiff clearly provided facts and violations of his Civil Right's and Laws and still the County of Snohomish refused to compensate this Plaintiff for the claims. This warrants a challenge of the Counties Tort Claim Decision. Under the law of the State, the Post-deprivation remedy Is faulty and unlawful and unfair. Clearly this is a Violation of Rights Given to it's State Citizens, for the loss and compensation an inadequate Remedy of law.

VII. CLAIMS FOR RELIEF FOR THE CAUSE OF ACTION

7.1 False Arrest/False Imprisonment:

Plaintiff Mr. Warren E. Bell was arrested on January 20,2020. Because Defendant, Officer David Olson, Did not consider whether there was a Need to arrest plaintiff, rather than consider his own convenience. No Other alternatives had been considered. Officer Olson, Washington State, Tow/Impound and Inventory Record, states: **{Driver Arrested for DWLS 2nd and no Ignition Interlock. No Reasonable Alternative}**. False imprisonment occurred, interfering with my freedom of movement. Plaintiff had, and has a valid Washington State [ORL] License. Charges were dismissed against Plaintiff by the District Court Under case Cause No. **960A20D WSP CT**.

7.2 Medical Emergency

I needed immediately Hospitalized, I had Pain in my Chest, Hyper-tension, I had lack of Energy, I had Difficulty Breathing, Difficulty Keeping track of my emotions, (Emotions is any conscious experience Characterized by intense mental activity and a high degree of pleasure Or displeasure. Scientific discourse has drifted to other meanings and there is no consensus on a definition). Due to the False Arrest that cause me a near Heart-attack or Stroke, **" My Life was in Peril" This constitutes Violation of: My Washington State's Constitutional Rights of: Art. 1, Sec 3, (no person Shall be deprived of Life, or Property, Without Due of Law); Art 1, Sec 14, (Nor cruel punishments inflicted);.**

7.3 This goes beyond False Imprisonment, intentional infliction of Mental Destress, the right of this Plaintiff, to be secure in my persons and effects. the unequal treatment,, my rights to be treated equally to other similarly situation individuals. Within the jurisdiction, and equal protection of the Laws. I then had to endure several State and U.S. Federal Constitutional Rights violations from County and Medical Agencies, and those individuals who are defendant's, sued here in their Individual and Official Capacities in this cause of action, under the U.S. Federal Constitution 5 Amendment, Life, Liberty, or Property, without Due Process of Law.

VIII. RELIEF REQUESTED

8.1 False Arrest/ False Imprisonment.

Officer, David Olson initiated a Wrongful Arrest for, Second Degree Driving While License Suspended/ Revoked, Driving Without Ignition Interlock and Operation Motor Vehicle Without Insurance. And because of those allegation, it set in motion an unlawful arrest, And violations of my civil rights. The Plaintiff, Warren E. Bell, states Here why he is entitle to the following **{100,000.00 } thousands dollars.** From Officer, David Olson as stated in the Facts, and Claims for Relief In this Complaint, cause of Action.

8.2 Jail Medical Emergency

The Plaintiff, Mr. Warren E. Bell, states here why he is entitle to the following Awards: **{\$250.000.00 dollars}** from Everett County Jail Medical Staff { **Nurse Autumn Kostelecky** }, Everett Jail Medical Healthcare, Providers, who provide neglect Inadequate medical care to Plaintiff, in its Medical Unit, there wilful neglect to perform their duty under Policy and Color of Law as stated in the Facts and Claims for Relief.

8.3 Additional Awards

Any Fines and Cost and Awards as the Court see fit, The actions of all defendants claimed herein is a claim of the violation of plaintiff's Constitution Protected Rights, Plaintiff's, Washington State Rights.

8.4 Plaintiff respectfully request **\$100,000.00** from the County of Snohomish for failing to train Officer David Olson. (Municipal Liability).- (unlawful to arrest an innocent person knowingly, No crime is committed, No Probable Cause Warranting, and Deception – Providing the Prosecutor false information to Criminally Charge and Pursue, of an Innocent Person).

8.5 Plaintiff respectfully requests **\$2,500.00** from the County of Snohomish for providing an inadequate post-deprivation Investigation which deliberately ignores true facts of loss or Damage's and intentionally denies any and all compensation.

IX. CONCLUSION

- 9.1** Plaintiff alleged in this Civil Suit that undisputable facts of each Defendant, violated his Constitutional Civil Rights. The facts of this case can not be disputed. The County of Snohomish was given a Proper Opportunity to settle this matter prior to this litigation. Now a Trial by jury is most appropriate in this matter if the defendant's continue to refuse to resolve this case for **\$350.000.00**, Or a Motion for Summary Judgment will determine the case.

X. VERIFICATION

- 10. I, Mr. WARREN E. BELL, Certifie here under Oath, under Penalty of Perjury and to the laws of the State of Washington, that the aforementioned is true and correct to the best of my Knowledge. RCW 9A.72.085, and 28 U.S.C. 1746.**

**Signed at : County of Pierce , State of Washington
98201. Dated: 04-09- _____, 2021**



WARREN E. BELL

**8810 JOHN DOWER rd APT 14
LAKEWOOD, WA 98499
PHONE NO. 253-478-0000**

**CERTIFICATE OF SERVICE
AFFIDAVIT OF PERSONAL SERVICE**

I, _____, certify that on the below date, I cause the foregoing to be delivered:

SUMMONS AND COMPLAINT,

A true and correct copy to be served on the following parties in the matter indicated.

Defendant: **David Olson [Officer WSP Badge # 1065].**
Serving Snohomish County WA. Located at: 3000 Rockefeller Ave. MS 508
Everett WA 98201- 4046.

Defendant: **Ms. Autumn Kostelecky, { NURSE }**
Serving Snohomish County Jail Corrections Located at: 3025 Oakes Avenue
Everett WA 98201

Defendant: **Risk Management Division 3000 Rockefeller Ave. M/S 610**
Everett, WA 98201

I declare under penalty of perjury that the above is true and correct.
RCW 9A.72.085, U.S.C. sec. 1746.

Executed on this dated . _____, 2021

(Signature)". _____

Warren E. Bell

**8810 John Dower rd. Apt.14
Lakewood, WA 98499**

November 20, 2020

**Snohomish County
Risk Management Division
3000 Rockefeller Ave, M/S 610
Everett, WA 98201
Ph. (425) 388-3726**

RE: Claim For Damages Form
Date of Loss: 01/20/2020

Dear Ms. Tracie O'Neill:

This notice is to confirm I completed a Claim for Damages, with supporting Documents.

I have not been assigned or acknowledges from your officer, Risk Management Division a Receipt, in accordance with the claims for damages form, submitted 06 /20/2020.

The office of the chief clerk has received the claims. And has not provided a Reasonable, estimate of the time the agency, will require to response to the claim, or given a claim filing number, and respond in one of the ways provided.

If a denial is Suspected, a written statement of the specific reasons must be Accompanied by a written statement.

Prompt responses required.


Warren E. Bell